UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,110	07/08/2003	Ajit Mathews	CE11057JI210	9113

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EXAMINER
LI, ZHUO H

ART UNIT	PAPER NUMBER
2185	

NOTIFICATION DATE	DELIVERY MODE
03/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 January 2008_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-16_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/23/2008 has been entered.

Response to Amendment

2.   This Office action is in response to amendment filed 1/23/2008.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et

al. (US PAT. 6,108,697 hereinafter Raymond) in view of Sinclair et al. (WO 99/38066

hereinafter Sinclair) and Sharpe et al. (US 20040093359).

         Regarding claim 1, Raymond discloses a radio communication device (col. 5 lines 56-65,

i.e., laptops, PDA or other mobile devices, figure 1) comprising a memory (216, figure 2), at

least one pack that includes an image file that contains data (col. 7 lines 7-15, i.e., store

downloaded disk image file 210 on a target disk 216), and a pack manager, including a pack

loader (220, figure 2) and unloader (240, figure 2), is used for loading and unloading the at least

one pack into and out of the memory (col. 8 lines 7-20 and col. 11 lines 6-18). Raymond differs

from the claimed invention in not specifically teaching the pack manager loaded in the memory

including a master pointer table and using the master pointer table for keeping track of the

location of the at least one pack. However, Sinclair teaches a flash memory (18, figure 1)

comprising a controller (16, figure 1) including a block address table, read as a master pointer

table, loaded in the memory and using the block address table for keeping track of location of

data (page 16 lines 5-16 and page 27 lines 10-29). Therefore, it would have been obvious to a

person of ordinary skill in the art at the time the invention was made to modify Raymond in

having the pack manager loaded in the memory including a master pointer table and using the

master pointer table for keeping track of the location of the at least one pack, as per teaching of

Sinclair, in order to provide efficient storage and retrieval of data (see Sinclair, page 2 lines 12-

16). Furthermore, the combination of Raymond and Sinclair differs from the claimed invention

in not specifically teaching wherein the packs are located starting at a fixed location in a

memory, and wherein the pack can be load and read without power recycling the radio

communication device. However, it is old and notoriously well known in the computer art of

locating an object staring at a fixed location in a memory and loading and reading the pack

without power recycling, for example see Sharpe ([0014] and [0032]) such that Sharpe teaches

Persistent module 330A preferably maintains the state or management data that needs to be kept

track of between the unloading and loading of its associated transparently unloadable module,

which exemplary state or management data may include information pertaining to time of last

access, the time the file is opened, the current file position, the current size of the file, the

location of the file data in the cache, and the like ([0032]). In addition, Sharpe teaches a first

substitute transparently unloadable module is associated with the first data storage subsystem

after the loading, and the unloading of the first transparently unloadable module and the loading

of the substitute transparently unloadable module are made without rebooting a computer

associated with the file system ([0014]), in order to reduce an amount of time to updating a file

system. Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to modify the combination of Raymond and Sinclair in having the packs

being located starting at a fixed location in a memory and loading and reading the pack without

power recycling, as per teaching of Sharpe, in order to reduce an amount of time to updating a

file system.

Regarding claims 2-3, Sinclair teaches the at least one data block, i.e., the at least one

pack, containing a header portion, information portion and data portion, wherein the header

portion comprises an identifier (page 5, lines 18-31 and page 12 line 29 through page 13 line 12),

and the identifier in the hear portion is unique to each type of data block and help identify the

data block (page 17 line 29 through page 18 line 18).

Regarding claims 4-5, Sinclair teaches the header portion including information on a size

of the at least one pack and information on the version of that at least one pack (page 12 line 29

through page 13 line 6).

Regarding claims 6-7, Sinclair discloses the information portion including information

regarding a size of data located in the data portion and a checksum which is used by the pack

manager to check integrity of the data stored in the at least one pack (page 13 lines 7-12).

Regarding claims 8-9, Raymond teaches a verifier (246, figure 2), read as an error

checker, that is used to check for errors in the data found in at least one pack, wherein a

checksum found in the at least one pack is checked by the pack manager to determined if the at

least one pack is valid or invalid when the at least one pack is loaded into the radio

communication device (col. 11 lines 41-60).

Regarding claims 10-11, Raymond teaches the at least one pack being loaded into the

radio communication device over the air (col. 5 lines 56-65, i.e., RF connection), which is

obvious using tethered download.

Regarding claim 12, Raymond discloses the radio communication device to automatically

request that a pack be reset if the pack manager determines that an invalid pack has been located

(col. 11 lines 41-51).

Regarding claims 13-14, Sinclair discloses the memory comprising a non-volatile

memory, i.e., flash memory (abstract).

Regarding claim 15, Sharpe teaches a pointer to the fixed location being retrieved through a function call during power up initialization ([0032]).

Regarding claim 16, Sinclair teaches the at least one pack being comprised of different data types, and each different data types pack having an unique identifier (page 17 line 29 through page 18 line 18).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is (571) 272-4183. The examiner can normally be reached on Mon-Fri 6:00AM-2:30 PM, and alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Z. H. L./

Examiner, Art Unit 2185

/Sanjiv Shah/

Supervisory Patent Examiner, Art Unit 2185